

Notice of Allowability

Application No.

09/823,218

Examiner

Ngoc K. Vu

Applicant(s)

KAY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/15/07.
2. ☒ The allowed claim(s) is/are 1,8,13,20,24,25,29,32,34-42,45-51,67-86 and 88-137.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Derek Meeker on May 4.

The application has been amended as follows:

In the claims:

Claim 34, line 15, "a rate key from a user profile; and" has been changed to --a rate key in a user profile;--.

Claim 34, last line, "the rate key." has been changed to
--the rate key; and

presenting the digital content in the unit.--.

Claim 38, line 4, "a filter from" has been changed to --a filter in--.

Claim 40, line 2, "the filter from" has been changed to --the filter in--.

Claim 41, line 4, "rating from" has been changed to --rating in--.

Claim 42, line 4, "metadata from" has been changed to --metadata in--.

Claim 46, line 3, "rate key from" has been changed to --rate key in--.

Claim 47, line 2, "metadata about" has been changed to --metadata in--.

Claim 48, line 2, "metadata about" has been changed to --metadata in--.

Claim 51, lines 1-4, "An article of computer-readable code embodied on a physical computer-readable medium that when executed on a computer system, causes the computer

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system to implement" has been changed to --A computer readable medium encoded with computer executable instructions that when executed by a computer cause the computer to perform--.

Claim 89, line 3, "the rate key of" has been changed to --the rate key in--.

Claim 89, line 5, "the rate key of" has been changed to --the rate key in--.

Claim 89, line 7, "with the rate key of" has been changed to --with the rate key in--, and "if the rate key of" has been changed to --if the rate key in--.

Claim 90, line 3, "rate key of" has been changed to --rate key in--.

Claim 94, line 12, "the custom rate" has been changed to --a custom rate--.

Claim 94, line 14, "a rate key from a user profile; and" has been changed to --a rate key in a user profile; --.

Claim 94, last line, "the rate key." has been changed to --the rate key; and

presenting the digital content in the unit.--.

Claim 97, line 4, "metadata from" has been changed to --metadata in--.

Claim 99, line 2, "rate key from" has been changed to --rate key in--.

Claim 100, line 3, "metadata from" has been changed to --metadata in--.

Claim 101, lines 1-4, "An article of computer-readable code embodied on a physical computer-readable medium that when executed on a computer system, causes the computer system to implement" has been changed to --A computer readable medium encoded with computer executable instructions that when executed by a computer cause the computer to perform--.

Claim 104, line 3, "the rate key of" has been changed to --the rate key in--.

Claim 104, line 5, "the rate key of" has been changed to --the rate key in--.

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Claim 104, line 7, "with the rate key of" has been changed to --with the rate key in--, and "if the rate key of" has been changed to --if the rate key in--.

Claim 105, line 3, "rate key of" has been changed to --rate key in--.

Claim 109, line 11, "rate key from" has been changed to --rate key in--.

Claim 109, line 12, "the rate key of" has been changed to --the rate key in--.

Claim 109, line 14, "the rate key of" has been changed to --the rate key in--.

Claim 109, line 15, "and" has been deleted.

Claim 109, line 16, "with the rate key of" has been changed to --with the rate key in--, and "if the rate key of" has been changed to --if the rate key in--.

Claim 109, last line, "billing rate table." has been changed to

--billing rate table; and

presenting the digital content in the unit.--.

Claim 110, line 4, "a filter from" has been changed to --a filter in--.

Claim 111, line 2, "the filter from" has been changed to --the filter in--.

Claim 112, line 4, "metadata from" has been changed to --metadata in--.

Claim 114, line 2, "rate key from" has been changed to --rate key in--.

Claim 115, line 3, "metadata about" has been changed to --metadata in--.

Claim 116, lines 1-4, "An article of computer-readable code embodied on a physical computer-readable medium that when executed on a computer system, causes the computer system to implement" has been changed to --A computer readable medium encoded with computer executable instructions that when executed by a computer cause the computer to perform--.

Claim 120, line 3, "rate key of" has been changed to --rate key in--.

Claim 124, line 11, "a rate key from" has been changed to --a rate key in--.

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Claim 124, line 13, "rate key from" has been changed to --a rate key in--.

Claim 124, line 14, "rate key of" has been changed to --rate key in--.

Claim 124, line 16, "and" has been deleted.

Claim 124, last line, "the digital content." has been changed to

--the digital content; and

presenting the digital content in the unit.--.

Claim 125, line 4, "a filter from" has been changed to --a filter in--.

Claim 126, line 2, "the filter from" has been changed to --the filter in--.

Claim 127, line 4, "metadata from" has been changed to --metadata in--.

Claim 129, line 3, "metadata about" has been changed to --metadata in--.

Claim 130, lines 1-4, "An article of computer-readable code embodied on a physical computer-readable medium that when executed on a computer system, causes the computer system to implement" has been changed to --A computer readable medium encoded with computer executable instructions that when executed by a computer cause the computer to perform--.

Claim 134, line 3, "rate key of" has been changed to --rate key in--.

Claim 134, line 5, "rate key of" has been changed to --rate key in--.

Claim 134, line 7, "with the rate key of" has been changed to --with the rate key in--, and "if the rate key of" has been changed to --if the rate key in--.

2. The following is an examiner's statement of reasons for allowance: the prior art, singularly or in combination, does not teach or fairly suggest a system and method for delivering digital content as variously claimed. Particularly, the prior art does not teach or fairly suggest the features of the content metadata including a plurality of default rates for the digital content, a

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plurality of custom rates for the digital content, and a plurality of rate keys, each rate key associated with at least one of the custom rates; a user profile including user metadata including at least one of the rate keys; accessing a default/custom product rate for the digital content; accessing a default/custom category rate for the digital content; providing the default/custom product rate or the default/custom category rate as a selected default rate/a custom rate based on an existence of the default/custom product rate; selecting a rate for the digital content from among the default rates and the custom rates in response to the rate key of the user metadata; accessing a rate key in a user profile; selecting the default rate or the custom rate for the digital content based on the rate key; comparing the rate key/the rate key in the user profile with rate/discount keys in a product billing rate/discount table, the product billing rate/discount table indicating an association of rate/discount rate keys and custom rates/discounts; selecting the default rate if the rate key in the user profile is not in the product billing rate table; selecting the custom rate associated with the rate key of the user profile if the rate key of the user profile is in the product billing rate table; applying a discount associated with the discount rate key if the discount rate key is in the product discount table; and wherein the discount rate key indicates a plurality of discounts for the digital content as variously claimed in the independent claims.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NGOC K. VU
PRIMARY EXAMINER
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May 10, 2007